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09/902,550	07/10/2001	Andreas Detmers	A-2237 CIP	8928

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WERNER H. STEMER
P.O. Box 2480
Hollywood, FL 33022

EXAMINER

COLILLA, DANIEL JAMES

ART UNIT PAPER NUMBER

2854

DATE MAILED: 06/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,550

Applicant(s)

DETMERS ET AL.

Examiner

Dan Colilla

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☒ Claim(s) 3,8,13,17,22,27,31,45,50,55,60,65 and 70 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims rejected are 1,2,4-7,10-12,14-16,18-21,23-26,28-30,33-35,37-44,46-49,51-54,56-59,61-64,66-69 and 71.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Moser et al.

With respect to claim 1, Moser et al. discloses an accessory configuration including an accessory 6, a connection mechanism 9 for pivoting the accessory 6 around a horizontal pivot axis, as shown in Figure 3 of Moser et al., and linear guides as mentioned in col. 2, lines 55-61 of Moser et al. The last paragraph of claim 1 includes functional language and a “for use” statement that are not given weight when determining the patentability of this apparatus claim.

With respect to claim 2, Figure 3 of Moser et al. shows the printing plate 4 of the accessory 6 projecting into the printing unit 18.

3. Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by Döbler.

Döbler discloses an accessory configuration including an accessory 4,5,8 for an impression cylinder (printing unit) that is not numbered but is shown in Figure 1 of Döbler (Döbler, col. 2, lines 59-63). The printing unit has an axis 1 and a connection mechanism for the accessory 4,5,8 includes a first pivot axis 10 and a second pivot axis 14 which are parallel to the axis 1. The first and second pivot axis are outside of the printing unit. The last paragraph of

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claim 15 includes functional language of how the connection mechanism is intended to be used and is not given weight when determining the patentability of this apparatus claim.

4. Claims 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Spiegel et al.

With respect to claim 15, Spiegel et al. discloses an accessory configuration including an accessory 1, a connection mechanism including a first pivot axis at shaft 3 and a second pivot axis at the end of cylinder 14 as shown in Figures 1 and 2 of Spiegel et al. The pivot axes are parallel to the rotation axis of the printing unit 4. The connecting mechanism attaches the accessory 1 to the printing unit 4 as shown in the Figures. The last paragraph of claim 15 includes functional language of how the connection mechanism is intended to be used and is not given weight when determining the patentability of this apparatus claim.

With respect to claim 16, Spiegel et al. shows the accessory 1 being pivoted into the printing unit 4 in Figure 3.

5. Claims 29-30, 32-33, 35, 37-38 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Gansky et al.

With respect to claim 29, Gansky discloses an accessory 16 including a connection mechanism pivotable about assembly 62 so that it pivots on an axis that is perpendicular to a printing unit 28 as shown in Figures 1-2 of Gansky. Figures 1-2 of Gansky et al. also show the accessory in a working position (Figure 1) and a maintenance position (Figure 2).

With respect to claims 30 Gansky et al. discloses that the accessory projects into a printing unit as shown in Figures 1-2 of Gansky et al.

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With respect to claims 32 and 37, Gansky et al. discloses a centering assembly for aligning the accessory 16 in col. 10, lines 16-32.

With respect to claims 33 and 38, Gansky et al. discloses latch assembly 126 for locking the accessory 16 in place.

With respect to claims 35 and 40, Gansky et al. discloses a stop (the surface at the base of conical surface 203) as shown in Figure 4 of Gansky et al.

6. Claims 1-2 and 43-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Beisel et al.

With respect to claim 1, Beisel et al. discloses an accessory configuration including an accessory 4. This accessory 4 is pivotable as shown in Figures 1,3 and 4 of Beisel et al. While a connection mechanism is not shown, it is inherent that some connector supports the accessory 4 on the printing unit 2 when it is in the position shown in Figure 3. The Figures also show that the connector has a horizontal pivot mechanism. Beisel et al. further discloses a linear guide as shown in Figure 2 below the accessory 4.

With respect to claims 2 and 44, Beisel et al. discloses projecting the accessory into the printing unit 2 as shown in Figure 8 of Beisel et al.

With respect to claim 43, Beisel et al. discloses an accessory configuration including an accessory 4. This accessory 4 is pivotable as shown in Figures 1,3 and 4 of Beisel et al. While a connection mechanism is not shown, it is inherent that some connector supports the accessory 4 on the printing unit 2 when it is in the position shown in Figure 3. The Figures also show that the connector has a horizontal pivot mechanism.

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7. Claims 57-59, 61-62 and 66-67 are rejected under 35 U.S.C. 102(b) as being anticipated by Rudewitz et al.

With respect to claim 57, Rudewitz et al. discloses an accessory configuration including an accessory 1 and a connection mechanism 40,41,42,48,49 as shown in figures 4-5 of Rudewitz et al. The last two paragraphs are functional recitations of how the apparatus recited is to be used. Since this is an apparatus claim, only structural limitations are considered when determining the patentability of the claim.

With respect to claim 58, the connection mechanism 40,41,42,48,49 is a pivoting mechanism that pivots at 49 which is attached to a printing machine 2.

With respect to claim 59, Figure 2 of Rudewitz et al. shows the accessory 1 projecting into the printing machine walls 11 and 12 with bolts 13 and 14.

With respect to claim 61 and 66, Rudewitz et al. discloses a means for centering 34 as shown in Figures 1 and 3 (Rudewitz et al., col. 6, lines 58-61). I

With respect to claims 62 and 67, Rudewitz et al. teaches locking bolts 13-14 that fit into engagement members 17-18 (Rudewitz et al., col. 7, lines 49-52).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 4-5 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moser et al. in view of Rudewitz et al.

With respect to claims 4 and 9, Moser et al. discloses the claimed accessory configuration except for the means for centering the accessory. However, Rudewitz et al. teaches an accessory which includes a means for centering 34 as shown in Figures 1 and 3 (Rudewitz et al., col. 6, lines 58-61). It would have been obvious to combine the teaching of Rudewitz et al. with the accessory configuration disclosed by Moser et al. for the advantage of preventing the accessory from becoming misaligned during operation.

With respect to claims 5 and 10, Rudewitz et al. teaches locking bolts 13-14 that fit into engagement members 17-18 (Rudewitz et al., col. 7, lines 49-52).

10. Claims 4, 6-7, 9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moser et al. in view of Haramia et al.

With respect to claims 4, 6, 9 and 11, Moser et al. discloses the claimed accessory except for the prism shaped centering means. However, Haramia et al. teaches a centering means 44 for an accessory as shown in Figures 3-4 of Haramia. Bolts 48 pass through this centering means 44. While this centering means does not include a prism, the only difference between a prism and the centering means 44 is the sharpness of the curve of the engaging surface. It would have been obvious to one of ordinary skill in the art through routine experimentation to adjust the sharpness of the curve according to the degree of accurate positioning that is required.

With respect to claims 7 and 12, the centering means 44 is a stop.

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11. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moser et al. as applied to claim 1 above, and further in view of Schwarzbeck.

Moser et al. discloses the claimed invention except for the spring. However, Schwarzbeck teaches a swinging portion of a printing press that has a spring 84 for aiding in the manual pivoting of swing assemblies. It would have been obvious to combine the teaching of Schwarzbeck with the accessory disclosed by Moser et al. for the advantage of making it easier to swing the accessory.

12. Claims 18-19 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spiegel et al. in view of Rudewitz et al.

With respect to claims 18 and 23, Spiegel et al. discloses the claimed accessory configuration except for the means for centering the accessory. However, Rudewitz et al. teaches an accessory which includes a means for centering 34 as shown in Figures 1 and 3 (Rudewitz et al., col. 6, lines 58-61). It would have been obvious to combine the teaching of Rudewitz et al. with the accessory configuration disclosed by Spiegel et al. for the advantage of preventing the accessory from becoming misaligned during operation.

With respect to claims 19 and 24, Rudewitz et al. teaches locking bolts 13-14 that fit into engagement members 17-18 (Rudewitz et al., col. 7, lines 49-52).

13. Claims 18, 20-21, 23 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spiegel et al. in view of Haramia et al.

With respect to claims 18, 20, 23 and 25, Spiegel et al. discloses the claimed accessory except for the prism shaped centering means. However, Haramia et al. teaches a centering

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means 44 for an accessory as shown in Figures 3-4 of Haramia. Bolts 48 pass through this centering means 44. While this centering means does not include a prism, the only difference between a prism and the centering means 44 is the sharpness of the curve of the engaging surface. It would have been obvious to one of ordinary skill in the art through routine experimentation to adjust the sharpness of the curve according to the degree of accurate positioning that is required.

With respect to claims 21 and 26, the centering means 44 is a stop.

14. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spiegel et al. as applied to claims 15-16 above, and further in view of Schwarzbeck.

Spiegel et al. discloses the claimed invention except for the spring. However, Schwarzbeck teaches a swinging portion of a printing press that has a spring 84 for aiding in the manual pivoting of swing assemblies. It would have been obvious to combine the teaching of Schwarzbeck with the accessory disclosed by Spiegel et al. for the advantage of making it easier to swing the accessory.

15. Claims 34 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gansky et al. in view of Haramia et al.

With respect to claims 34 and 39 Gansky et al. discloses the claimed accessory except for the prism shaped centering means. However, the exact shape of the centering means does not appear to have any criticality in the invention. Any centering means would have been obvious. For example Haramia et al. teaches a centering means 44 as shown in Figures 3-4 of Haramia. Bolts 48 pass through this centering means 44. There appears to be no unobviousness in using

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any one of known centering means chosen from a group of known centering means for providing the same function.

16. Claims 29, 32-33, 36, 37-38 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKillip in view of Bierbaum et al.

With respect to claims 29, McKillip discloses a printing press with a web roll attached. Bierbaum et al. teaches an accessory for use with a printing press paper supply. However, it is not known if the frame 17 of the paper supply taught by Bierbaum et al. is fastened to the frame of a printing press. Bierbaum et al. teaches an accessory including a connection mechanism having a pivot axis at the top end of cylinder 14 and a linear guide 68. It would have been obvious to combine the teaching of Bierbaum et al. with the printing press disclosed by McKillip for the advantage of easily changing a paper web on the fly.

With respect to claims 32-33 and 37-38, Bierbaum et al. teaches slots 26 for centering the accessory 1 with respect to the paper roll 1 in one working position. Furthermore, locks 33 and 34 are taught for holding the accessory 1 in a working position as mentioned in col. 4, lines 44-57.

With respect to claim 36 and 41, Bierbaum et al. teaches pin 21 of the accessory pressing against an inner face of slot 26. A cylinder 43 is used as the pressing means.

17. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gansky et al. as applied to claims 29-30, 32-33, 35, 37-38 and 40 above, and further in view of Schwarzbeck.

Gansky et al. discloses the claimed invention except for the spring. However, Schwarzbeck teaches a swinging portion of a printing press that has a spring 84 for aiding in the manual pivoting of swing assemblies. It would have been obvious to combine the teaching of Schwarzbeck with the accessory disclosed by Gansky et al. for the advantage of making it easier to swing the accessory.

18. Claims 46-47 and 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beisel et al. in view of Rudewitz et al.

With respect to claims 46 and 51, Moser et al. discloses the claimed accessory configuration except for the means for centering the accessory. However, Rudewitz et al. teaches an accessory which includes a means for centering 34 as shown in Figures 1 and 3 (Rudewitz et al., col. 6, lines 58-61). It would have been obvious to combine the teaching of Rudewitz et al. with the accessory configuration disclosed by Beisel et al. for the advantage of preventing the accessory from becoming misaligned during operation.

With respect to claims 47 and 52, Rudewitz et al. teaches locking bolts 13-14 that fit into engagement members 17-18 (Rudewitz et al., col. 7, lines 49-52).

19. Claims 48-49, 51 and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beisel et al. in view of Haramia et al.

With respect to claims 48, 51 and 53, Beisel et al. discloses the claimed accessory except for the prism shaped centering means. However, Haramia et al. teaches a centering means 44 for an accessory as shown in Figures 3-4 of Haramia. Bolts 48 pass through this centering means 44. While this centering means does not include a prism, the only difference between a prism

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and the centering means 44 is the sharpness of the curve of the engaging surface. It would have been obvious to one of ordinary skill in the art through routine experimentation to adjust the sharpness of the curve according to the degree of accurate positioning that is required.

With respect to claims 49 and 54, the centering means 44 is a stop.

20. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moser et al. as applied to claims 1-2 and 43-44 above, and further in view of Schwarzbeck.

Beisel et al. discloses the claimed invention except for the spring. However, Schwarzbeck teaches a swinging portion of a printing press that has a spring 84 for aiding in the manual pivoting of swing assemblies. It would have been obvious to combine the teaching of Schwarzbeck with the accessory disclosed by Beisel et al. for the advantage of making it easier to swing the accessory.

21. Claims 61, 63-64, 66 and 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rudewitz et al. in view of Haramia et al.

With respect to claims 61, 63, 66 and 68, Rudewitz et al. discloses the claimed accessory except for the prism shaped centering means. However, Haramia et al. teaches a centering means 44 for an accessory as shown in Figures 3-4 of Haramia. Bolts 48 pass through this centering means 44. While this centering means does not include a prism, the only difference between a prism and the centering means 44 is the sharpness of the curve of the engaging surface. It would have been obvious to one of ordinary skill in the art through routine experimentation to adjust the sharpness of the curve according to the degree of accurate positioning that is required.

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With respect to claims 64 and 69, the centering means 44 is a stop.

22. Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rudewitz et al. as applied to claims 57-59, 61-62 and 66-67 above, and further in view of Schwarzbeck.

Rudewitz et al. discloses the claimed invention except for the spring. However, Schwarzbeck teaches a swinging portion of a printing press that has a spring 84 for aiding in the manual pivoting of swing assemblies. It would have been obvious to combine the teaching of Schwarzbeck with the accessory disclosed by Rudewitz et al. for the advantage of making it easier to swing the accessory.

Allowable Subject Matter

23. Claims 3, 8, 13, 17, 22, 27, 31, 45, 50, 55, 60, 65, and 70 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

24. Applicant's arguments filed 4/15/03 have been fully considered but they are not persuasive of any error in the above rejection.

With respect to applicant's arguments regarding Gansky et al. rejection of claim 29, while Gansky et al. discloses an accessory that has additional movements when compared with claim 29, there is nothing in claim 29 that prohibits such movements. Additionally, it is noted

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that the last five lines of claim 29 are still functional recitations of intended use and therefore do not influence the patentability of the claim since it is directed towards an apparatus.

With respect to applicant's arguments regarding the McKillip/Bierbaum rejection of claims 29, 32-33, 36, 37-38 and 41, applicant argues that the combination has no relation to the accessory disclosed in the invention of the instant application. It is noted, that the rejection is directed towards the claim language which can be broadly interpreted read on the combination of McKillip and Beirbaum. If applicant wishes to claim a more specific accessory, then this must be reflected in the claim language.

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Colilla whose telephone number is (703) 308-2259. The examiner can normally be reached M-F, 8:30-5:30. Faxes regarding this application can be sent to (703) 746-4405.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached at (703)305-6619. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

June 23, 2003


Dan Colilla
Primary Examiner
Art Unit 2854